

Remarks/Arguments:

Claims 1-4, 11-14, 17-21, and 23-29 were pending at the time of the office action. Claims 1 and 26 are amended herewith to specify that the feather fiber mats comprise feather fibers having an average diameter of 6 μm and length of 8 mm. See specification page 9, lines 5-6.

Claims 1-4, 11-14, 17-21, and 23-29 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. 6,121,398 ("Wool"). The Office Action states that all of the claim elements can be found in Wool, except for the one reciting feather mats, but asserts that Wool inherently discloses "feather mats."

The currently pending claims recite feather fiber mats (not feather mats) comprising fibers having an average diameter of 6 μm and length of 8 mm. Even if it were true that Wool inherently disclosed feather mats, a contention that Applicants disagree with for reasons of record, Wool does not disclose mats comprising feather fibers having an average diameter of 6 μm and length of 8 mm. There appear to be only two places in Wool where the word "feather" is used, and both of these use the term "bird feathers." These are mentioned at column 2, line 30 and in claim 18, and in both places, there is no reference as to size. Bird feathers can of course vary greatly in size, and are often many inches long. Wool does not discuss feather size at all, and therefore does not exclude quite large feathers. The present claims, however, recite feather fibers (not feathers), and in fact very short and very thin ones. They have an average diameter of only 6 μm (i.e., only 0.006 mm), and a length of only 8 mm.


Wool does not necessarily teach such fibers, because his disclosure is ALSO consistent with feathers of considerable size. But, "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (emphasis added)

Wool fails to teach fibers of the recited dimensions either explicitly or inherently, and thus does not supply this claim feature. Thus, Wool cannot anticipate the present claims and cannot render them obvious, and the rejection should be withdrawn.

As a final point of clarification, Applicants also note that the Office Action refers to their argument regarding density as not supported by the claims as written, but point out that they do not rely upon density for patentability. Applicants merely mentioned density as part of a general description of feather fibers.

Applicants submit that the rejection has been overcome, and request reconsideration and allowance of the claims. Applicants invite the examiner to contact their undersigned representative, Frank Tise, if it appears that this may expedite examination.

Respectfully submitted,



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